

SPECIAL CIVIL APPLICATION No 10728 of 1998

Hon'ble MR.JUSTICE M.C.PATEL Sd/-

[illegible]

HIMADRI TEXTILE MILLS

BABUBHAI NAGJIBHAI PATEL

MR SUDHIR NANAVATI FOR NANAVATI & NANAVATI  
for Petitioner

MR KV GADHIA for Respondent No. 1

ORAL JUDGEMENT

Rule. Mr.K.V.Gadhia waives service of rule for respondent. By consent the petition is taken up for final hearing.

On 13.9.1999 it was stated by learned Counsel for the parties that the respondent workman can be paid some ex-gratia amount in lieu of the reinstatement and the backwages awarded by the tribunal. It is stated at the bar that manufacturing activity has been stopped with effect from 30.6.1998 and there is no question of reinstatement now. In the circumstances, the only course that can be adopted is to award the backwages from 10.3.1992 when the workman was relieved till 30.6.1996. The wages shall be paid on the basis that his services stood terminated on 30.6.1996. The direction for reinstatement and payment of cost of Rs.1500/- is deleted and the award passed by the Industrial Court shall stand modified accordingly. Rule made absolute. No order as to costs.

---

m.m.bhatt